

AMENDED IN ASSEMBLY MARCH 11, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1718

Introduced by Assembly Member Monning

February 2, 2010

~~An act to amend Section 470.5 of the Business and Business Code, relating to dispute resolution. An act to amend Sections 470.5 and 6322.1 of the Business and Professions Code, to amend Sections 68085.3, 68085.4, 68086.1, 70611, 70612, 70613, 70614, 70621, 70650, 70651, 70652, 70653, 70654, 70655, 70656, 70658, and 70670 of the Government Code, to amend Section 103470 of the Health and Safety Code, and to amend Section 7660 of the Probate Code, relating to courts.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1718, as amended, Monning. ~~Dispute resolution. Court fees.~~

Existing law requires the Administrative Office of the Courts to make monthly distributions from superior court filing fees for the support of specified dispute resolution programs established by counties. Existing law provides that the total amount to be distributed for those programs may be no more than \$8 per filing fee.

This bill would, ~~on and after January 1, 2012,~~ increase the authorized amount of those distributions to no more than \$13 per filing fee.

Existing law specifies various uniform fees for filing specified documents in connection with certain civil proceedings, including the fee for filing the first paper in a civil action or proceeding in the superior court. Existing law specifies the disposition of those proceeds, including, but not limited to, to the county law library fund, for support of dispute

resolution programs, and to the Immediate and Critical Needs Account of the State Court Facilities Construction Fund.

This bill would increase each of those fees in the amount of \$5. The bill would make other conforming changes.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 470.5 of the Business and Professions*
2 *Code is amended to read:*

3 470.5. (a) On and after January 1, 2006, as described in Section
4 68085.1 of the Government Code, the Administrative Office of
5 the Courts shall make monthly distributions from superior court
6 filing fees for the support of dispute resolution programs under
7 this chapter in each county that has acted to establish a program.
8 The amount distributed in each county shall be equal to the
9 following:

10 (1) From each first paper filing fee collected by the court as
11 provided under Section 70611 or 70612, subdivision (a) of Section
12 70613, subdivision (a) of Section 70614, or Section 70670 of the
13 Government Code, and each first paper or petition filing fee
14 collected by the court in a probate matter as provided under Section
15 70650, 70651, 70652, 70653, or 70655 of the Government Code,
16 the same amount as was required to be collected for the support
17 of dispute resolution programs in that county as of December 31,
18 2005, when a fee was collected for the filing of a first paper in a
19 civil action under Section 26820.4 of the Government Code.

20 (2) From each first paper filing fee in a limited civil case
21 collected by the court as provided under subdivision (b) of Section
22 70613 or subdivision (b) of Section 70614 of the Government
23 Code, and each first paper or petition filing fee collected by the
24 court in a probate matter as provided under Section 70654, 70656,
25 or 70658 of the Government Code, the same amount as was
26 required to be collected for the support of dispute resolution
27 programs in that county as of December 31, 2005, when a fee was
28 collected for the filing of a first paper in a civil action under Section
29 72055 of the Government Code where the amount demanded,
30 excluding attorney's fees and costs, was ten thousand dollars
31 (\$10,000) or less.

1 (b) Distributions under this section shall be used only for the
2 support of dispute resolution programs authorized by this chapter.
3 The county shall deposit the amounts distributed under this section
4 in an account created and maintained for this purpose by the
5 county. Records of these distributions shall be available for
6 inspection by the public upon request.

7 (c) After January 1, 2006, a county that does not already have
8 a distribution from superior court filing fees under this section and
9 that establishes a dispute resolution program authorized by this
10 chapter may approve a distribution under this section. A county
11 that already has a distribution under this section may change the
12 amount of the distribution. The total amount to be distributed for
13 the support of dispute resolution programs under this section may
14 not exceed ~~eight dollars (\$8)~~ *thirteen dollars (\$13)* per filing fee.

15 (d) The county may make changes under subdivision (c) to be
16 effective January 1 or July 1 of any year, on and after January 1,
17 2006. The county shall provide the Administrative Office of the
18 Courts with a copy of the action of the board of supervisors that
19 establishes the change at least 15 days before the date that the
20 change goes into effect.

21 *SEC. 2. Section 6322.1 of the Business and Professions Code*
22 *is amended to read:*

23 6322.1. (a) Until the end of the moratorium described in
24 Section 70601 of the Government Code, the board of supervisors
25 of any county may increase, as provided in this section, the amount
26 distributed to its county law library fund from the uniform filing
27 fees listed in Section 6321 whenever it determines that the increase
28 is necessary to defray the expenses of the law library.

29 Any increase in the amount distributed to the law library fund
30 in any county under this subdivision shall not be effective until
31 January 1 of the next year after the adoption by the board of
32 supervisors of the increase. The amount of the increase in any
33 calendar year shall be no greater than three dollars (\$3) over the
34 previous calendar year. A copy of the action of the board of
35 supervisors that establishes the increase shall be provided to the
36 Administrative Office of the Courts as soon as it becomes available
37 but no later than December 15 of the year before the increased
38 distribution goes into effect.

(b) Distribution changes after January 1, 2008, shall be determined by the process described in Section 70601 of the Government Code.

(c) (1) In an action or proceeding in which a claim for money damages falls within the monetary jurisdiction of the small claims court and is filed by an assignee who is prohibited from filing or maintaining a claim pursuant to Section 116.420 of the Code of Civil Procedure, the uniform filing fee shall be reduced by twenty-four dollars (\$24) to one hundred-eighty-one dollars (\$181) ~~eighty-six dollars (\$186)~~ if the complaint contains a declaration under penalty of perjury, executed by the party requesting the reduction in fees, that the case qualifies for the lower fee because the claim for money damages will not exceed the monetary jurisdiction of small claims court and is filed by an assignee of the claim.

(2) When the uniform filing fee is reduced as provided under this subdivision, the amount distributed from each uniform filing fee to the law library fund in the county shall be as follows:

Jurisdiction	Amount
Alameda.....	\$12.00
Alpine.....	1.00
Amador.....	6.00
Butte.....	12.00
Calaveras.....	7.00
Colusa.....	12.00
Contra Costa.....	8.00
Del Norte.....	6.00
El Dorado.....	9.00
Fresno.....	9.00
Glenn.....	6.00
Humboldt.....	12.00
Imperial.....	12.00
Inyo.....	6.00
Kern.....	12.00
Kings.....	12.00
Lake.....	12.00
Lassen.....	12.00
Los Angeles.....	5.00
Madera.....	12.00

1	Marin.....	12.00
2	Mariposa.....	4.00
3	Mendocino.....	12.00
4	Merced.....	12.00
5	Modoc.....	6.00
6	Mono.....	6.00
7	Monterey.....	10.00
8	Napa.....	12.00
9	Nevada.....	7.00
10	Orange.....	8.00
11	Placer.....	7.00
12	Plumas.....	6.00
13	Riverside.....	12.00
14	Sacramento.....	8.50
15	San Benito.....	6.00
16	San Bernardino.....	12.00
17	San Diego.....	12.00
18	San Francisco.....	12.00
19	San Joaquin.....	10.00
20	San Luis Obispo.....	12.00
21	San Mateo.....	12.00
22	Santa Barbara.....	12.00
23	Santa Clara.....	8.00
24	Santa Cruz.....	12.00
25	Shasta.....	8.50
26	Sierra.....	9.00
27	Siskiyou.....	8.00
28	Solano.....	9.00
29	Sonoma.....	12.00
30	Stanislaus.....	6.50
31	Sutter.....	1.00
32	Tehama.....	9.00
33	Trinity.....	6.00
34	Tulare.....	12.00
35	Tuolumne.....	2.00
36	Ventura.....	12.00
37	Yolo.....	10.00
38	Yuba.....	7.00
39		

1 The increases described in subdivision (a) do not apply to the
2 law library distributions in this subdivision.

3 (3) Notwithstanding subdivision (d) of Section 68085.4 of the
4 Government Code, when the uniform filing fee is reduced as
5 provided in this subdivision, the amounts distributed to dispute
6 resolution programs, the State Court Facilities Construction Fund,
7 the Judges' Retirement Fund, children's waiting rooms, and the
8 Equal Access Fund shall remain as provided under subdivisions
9 (b) and (c) of Section 68085.4 of the Government Code and shall
10 not be changed. Only the amounts distributed to the Trial Court
11 Trust Fund, the law libraries, and the Immediate and Critical Needs
12 Account of the State Court Facilities Construction Fund shall be
13 adjusted. The amount distributed from each uniform filing fee
14 under this section to the Immediate and Critical Needs Account
15 of the State Court Facilities Construction Fund, established in
16 Section 70371.5, shall be eleven dollars (\$11). If the fee is further
17 reduced below one hundred-eighty-one dollars (~~\$181~~) *eighty-six*
18 *dollars (\$186)*, as with a partial waiver or partial payment, the
19 proportional reductions described in subdivision (g) of Section
20 68085.1 of the Government Code shall apply.

21 (d) Distributions under this section to the law library fund in
22 each county shall be used only for the purposes authorized by this
23 chapter.

24 (e) As used in this section and Section 6321, "law library fund"
25 includes a law library account described in the second paragraph
26 of Section 6320.

27 *SEC. 3. Section 68085.3 of the Government Code is amended*
28 *to read:*

29 68085.3. (a) Fees collected under Sections 70611, 70612,
30 70650, 70651, 70652, 70653, 70655, 70658, and 70670 shall be
31 deposited in a bank account established by the Administrative
32 Office of the Courts for deposit of fees collected by the courts.

33 (b) For each ~~three-hundred-fifty-five-dollar (\$355)~~
34 *three-hundred-sixty-dollar (\$360)* fee listed in subdivision (a), the
35 Administrative Office of the Courts shall distribute specified
36 amounts in each county as follows:

37 (1) To the county law library fund, the amount described in
38 Sections 6321 and 6322.1 of the Business and Professions Code.

(2) To the account to support dispute resolution programs, the amount described in Section 470.5 of the Business and Professions Code.

(c) The remainder of the fees in subdivision (a) shall be transmitted monthly to the Treasurer for deposit. For each ~~three-hundred-fifty-five-dollar (\$355)~~ *three-hundred-sixty-dollar (\$360)* fee listed in subdivision (a), the Controller shall make deposits as follows:

(1) To the State Court Facilities Construction Fund, as provided in Article 6 (commencing with Section 70371) of Chapter 5.7, thirty-five dollars (\$35).

(2) To the Immediate and Critical Needs Account of the State Court Facilities Construction Fund, established in Section 70371.5, thirty dollars (\$30), unless the fee is collected under Section 70658, in which case the amount distributed to that fund shall be one hundred seventy dollars (\$170).

(3) To the Judges' Retirement Fund, as established in Section 75100, two dollars and fifty cents (\$2.50).

(4) To the Trial Court Trust Fund for use as part of the Equal Access Fund program administered by the Judicial Council, four dollars and eighty cents (\$4.80).

(5) To the Trial Court Trust Fund, as provided in Section 68085.1, the remainder of the fee.

(d) If any of the fees listed in subdivision (a) are reduced or partially waived, the amount of the reduction or partial waiver shall be deducted from the amount to be distributed to each fund or account in the same proportion as the amount of each distribution bears to the total amount of the fee.

(e) As used in this section, "law library fund" includes a law library account described in Section 6320 of the Business and Professions Code.

SEC. 4. Section 68085.4 of the Government Code is amended to read:

68085.4. (a) Fees collected under Sections 70613, 70614, 70621, 70654, and 70656 of this code, Section 103470 of the Health and Safety Code, and Section 7660 of the Probate Code shall be deposited in a bank account established by the Administrative Office of the Courts for deposit of fees collected by the courts.

(b) For each ~~three-hundred-thirty-dollar (\$330)~~
~~three-hundred-thirty-five-dollar (\$335)~~ fee and each
~~two-hundred-five-dollar (\$205)~~ ~~two-hundred-ten-dollar (\$210)~~
fee listed in subdivision (a), the Administrative Office of the Courts
shall distribute specified amounts in each county as follows:

(1) To the county law library fund, the amount described in
Sections 6321 and 6322.1 of the Business and Professions Code.

(2) To the account to support dispute resolution programs, the
amount described in Section 470.5 of the Business and Professions
Code.

(c) The remainder of the fees in subdivision (a) shall be
transmitted monthly to the Treasurer for deposit. For each
~~three-hundred-thirty-dollar (\$330)~~ ~~three-hundred-thirty-five-dollar~~
~~(\$335)~~ fee and each ~~two-hundred-five-dollar (\$205)~~
~~two-hundred-ten-dollar (\$210)~~ fee listed in subdivision (a), the
Controller shall make deposits as follows:

(1) To the State Court Facilities Construction Fund, as provided
in Article 6 (commencing with Section 70371) of Chapter 5.7,
twenty-five dollars (\$25) if the fee is three hundred ~~thirty dollars~~
~~(\$330)~~ ~~thirty-five dollars (\$335)~~, and twenty dollars (\$20) if the
fee is two hundred ~~five dollars (\$205)~~ ~~ten dollars (\$210)~~.

(2) To the Immediate and Critical Needs Account of the State
Court Facilities Construction Fund, established in Section 70371.5,
twenty-five dollars (\$25) if the fee is three hundred ~~thirty dollars~~
~~(\$330)~~ ~~thirty-five dollars (\$335)~~, and twenty dollars (\$20) if the
fee is two hundred ~~five dollars (\$205)~~ ~~ten dollars (\$210)~~, except
as otherwise provided in Section 6322.1 of the Business and
Professions Code.

(3) To the Judges' Retirement Fund, as established in Section
75100, two dollars and fifty cents (\$2.50).

(4) To the Trial Court Trust Fund for use as part of the Equal
Access Fund program administered by the Judicial Council, four
dollars and eighty cents (\$4.80).

(5) To the Trial Court Trust Fund, as provided in Section
68085.1, the remainder of the fee.

(d) If any of the fees listed in subdivision (a) are reduced or
partially waived, the amount of the reduction or partial waiver
shall be deducted from the amount to be distributed to each fund
or account in the same proportion as the amount of each
distribution bears to the total amount of the fee.

(e) As used in this section, “law library fund” includes a law library account described in Section 6320 of the Business and Professions Code.

SEC. 5. Section 68086.1 of the Government Code is amended to read:

68086.1. (a) For each ~~three-hundred-fifty-five-dollar (\$355)~~ *three-hundred-sixty-dollar (\$360)* fee collected under Section 70611, 70612, or 70670, thirty dollars (\$30) of the amount distributed to the Trial Court Trust Fund shall be used for services of an official court reporter in civil proceedings.

(b) For each ~~three-hundred-thirty-dollar (\$330)~~ *three-hundred-thirty-five-dollar (\$335)* fee collected under subdivision (a) of Section 70613 or subdivision (a) of Section 70614, thirty dollars (\$30) of the amount distributed to the Trial Court Trust Fund shall be used for services of an official court reporter in civil proceedings.

(c) It is the intent of the Legislature, in approving the thirty-dollar (\$30) distribution out of each filing fee listed in subdivisions (a) and (b), to continue an incentive to courts to use the services of an official court reporter in civil proceedings. However, nothing in this section shall affect the Judicial Council’s authority to allocate these revenues to replace reductions in the General Fund appropriation to the Trial Court Trust Fund.

(d) The portion of the distribution to the Trial Court Trust Fund to be used for services of an official court reporter in civil proceedings pursuant to subdivisions (a) and (b) shall be used only in trial courts that utilize the services of an official court reporter in civil proceedings.

SEC. 6. Section 70611 of the Government Code is amended to read:

70611. The uniform fee for filing the first paper in a civil action or proceeding in the superior court, other than in a limited civil case, an adoption proceeding, a proceeding under the Probate Code, or a proceeding under the Family Code, is ~~three hundred-fifty-five dollars (\$355)~~ *sixty dollars (\$360)*. The fee shall be distributed as provided in Section 68085.3.

This section applies to the initial complaint, petition, or application, and the papers transmitted from another court on the transfer of a civil action or proceeding, but does not include

1 documents filed pursuant to Section 491.150, 704.750, or 708.160
2 of the Code of Civil Procedure.

3 *SEC. 7. Section 70612 of the Government Code is amended to*
4 *read:*

5 70612. (a) The uniform fee for filing the first paper in the
6 action or proceeding described in Section 70611 on behalf of any
7 defendant, intervenor, respondent, or adverse party, whether
8 separately or jointly, except for the purpose of making disclaimer,
9 is three hundred ~~fifty-five dollars (\$355)~~ *sixty dollars (\$360)*. The
10 fee shall be distributed as provided in Section 68085.3.

11 (b) As used in this section, the term “paper” does not include a
12 stipulation for the appointment of a temporary judge or of a court
13 investigator, or the report made by the court investigator.

14 *SEC. 8. Section 70613 of the Government Code is amended to*
15 *read:*

16 70613. (a) The uniform fee for filing the first paper in a limited
17 civil case is three hundred ~~thirty dollars (\$330)~~ *thirty-five dollars*
18 *(\$335)*, except as provided in subdivision (b).

19 (b) In a case where the amount demanded, excluding attorney’s
20 fees and costs, is ten thousand dollars (\$10,000) or less, the uniform
21 fee for filing the first paper is two hundred ~~five dollars (\$205)~~ *ten*
22 *dollars (\$210)*. The first page of the first paper shall state whether
23 the amount demanded exceeds or does not exceed ten thousand
24 dollars (\$10,000).

25 (c) This section applies to the initial complaint, petition, or
26 application, and any papers transmitted from another court on the
27 transfer of a civil action or proceeding, but does not include
28 documents filed pursuant to Section 491.150, 704.750, or 708.160
29 of the Code of Civil Procedure.

30 (d) The fee for a paper filed under this section shall be
31 distributed as provided in Section 68085.4.

32 (e) The fee shall be waived in any action for damages against
33 a defendant, based upon the defendant’s commission of a felony
34 offense, upon presentation to the clerk of the court of a certified
35 copy of the abstract of judgment of conviction of the defendant of
36 the felony giving rise to the claim for damages. If the plaintiff
37 would have been entitled to recover those fees from the defendant
38 had they been paid, the court may assess the amount of the waived
39 fees against the defendant and order the defendant to pay that sum
40 to the court.

1 *SEC. 9. Section 70614 of the Government Code is amended to*
2 *read:*

3 70614. (a) The uniform fee for filing the first paper in a limited
4 civil case on behalf of any party other than a plaintiff is three
5 hundred ~~thirty dollars (\$330)~~ *thirty-five dollars (\$335)*, except as
6 provided in subdivision (b).

7 (b) In a case where the amount demanded, excluding attorney's
8 fees and costs, is ten thousand dollars (\$10,000) or less, the uniform
9 fee for filing the first paper is two hundred ~~five dollars (\$205)~~ *ten*
10 *dollars (\$210)*.

11 (c) The fees in this section do not apply to papers filed for the
12 purpose of making disclaimer.

13 (d) The fee for a paper filed under this section shall be
14 distributed as provided in Section 68085.4.

15 *SEC. 10. Section 70621 of the Government Code is amended*
16 *to read:*

17 70621. (a) (1) The fee for filing a notice of appeal to the
18 appellate division of the superior court in a limited civil case is
19 three hundred ~~thirty dollars (\$330)~~ *thirty-five dollars (\$335)*, except
20 as provided in subdivision (b).

21 (2) The fee for filing a petition for a writ within the original
22 jurisdiction of the appellate division of the superior court is three
23 hundred ~~thirty dollars (\$330)~~ *thirty-five dollars (\$335)*, except as
24 provided in subdivision (b).

25 (b) If the amount demanded in the limited civil case, excluding
26 attorney's fees and costs, is ten thousand dollars (\$10,000) or less,
27 the fee for filing a petition for a writ or a notice of appeal to the
28 appellate division of the superior court is two hundred ~~five dollars~~
29 ~~(\$205)~~ *ten dollars (\$210)*.

30 (c) The fees provided for in this section shall be distributed as
31 provided in Section 68085.4.

32 (d) The Judicial Council may make rules governing the time
33 and method of payment of the fees in this section and providing
34 for excuse.

35 *SEC. 11. Section 70650 of the Government Code is amended*
36 *to read:*

37 70650. (a) The uniform filing fee for the first petition for letters
38 of administration or letters testamentary, or the first petition for
39 special letters of administration with the powers of a general

1 personal representative pursuant to Section 8545 of the Probate
2 Code, is three hundred ~~forty-five dollars (\$355)~~ *sixty dollars (\$360)*.

3 (b) The uniform filing fee for the first objections to the probate
4 of any will or codicil under Section 8250 of the Probate Code, or
5 the first petition for revocation of probate of any will or codicil
6 under Section 8270 of the Probate Code, is three hundred ~~forty-five~~
7 ~~dollars (\$355)~~ *sixty dollars (\$360)*. The uniform filing fee for the
8 first petition for special letters of administration without the powers
9 of a general personal representative is the fee provided in Section
10 70657.5. Where objections to the probate of a will or codicil or a
11 petition for revocation of probate of a will or codicil are filed
12 together with a petition for appointment of a personal representative
13 described in subdivision (c) filed by the same person, only the fee
14 provided in subdivision (c) shall be charged to that person.

15 (c) A fee of three hundred ~~forty-five dollars (\$355)~~ *sixty dollars*
16 *(\$360)* shall also be charged for filing each subsequent petition or
17 objections of a type described in subdivision (a) in the same
18 proceeding by a person other than the original petitioner or
19 contestant. The same fee as provided in subdivision (b) shall be
20 charged for filing each subsequent petition or objections of a type
21 described in that subdivision in the same proceeding by a person
22 other than the original petitioner or contestant.

23 (d) Notwithstanding Section 70658.5, if a petition for special
24 letters of administration is filed together with a petition for letters
25 of administration or letters testamentary under subdivision (a) or
26 (c) by the same person, the person filing the petitions shall be
27 charged the applicable filing fees for both petitions.

28 (e) The uniform filing fee charged under this section shall be
29 distributed as provided in Section 68085.3.

30 *SEC. 12. Section 70651 of the Government Code is amended*
31 *to read:*

32 70651. (a) The uniform filing fee for objections or any other
33 paper in opposition to a petition described in subdivision (a) of
34 Section 70650, other than a petition described in subdivision (c)
35 of Section 70650, is three hundred ~~forty-five dollars (\$355)~~ *sixty*
36 *dollars (\$360)*. If objections or any other paper in opposition are
37 filed together with a petition described in subdivision (c) of Section
38 70650 by the same person, only the fee provided in subdivision
39 (c) of Section 70650 shall be charged to that person.

(b) The uniform filing fee charged under this section shall be distributed as provided in Section 68085.3.

SEC. 13. Section 70652 of the Government Code is amended to read:

70652. (a) The uniform filing fee for each petition concerning the internal affairs of a trust under Chapter 3 (commencing with Section 17200) of Part 5 of Division 9 of the Probate Code, or a first account of a trustee of a testamentary trust that is subject to the continuing jurisdiction of the court pursuant to Chapter 4 (commencing with Section 17300) of Part 5 of Division 9 of the Probate Code, is three hundred ~~fifty-five dollars (\$355)~~ *sixty dollars (\$360)*.

(b) The uniform filing fee for each paper filed in opposition to a petition or first account of a trustee of a testamentary trust under subdivision (a) is three hundred ~~fifty-five dollars (\$355)~~ *sixty dollars (\$360)*.

(c) To avoid hardship, or for other good cause, the court may direct the clerk of the court to refund all or any part of a filing fee paid under this section.

(d) This section does not apply to petitions or opposition filed concerning trusts created by court order under Article 10 (commencing with Section 2580) of Chapter 6 of Part 3 of Division 4 of the Probate Code, Article 1 (commencing with Section 3100) of Chapter 3 of Part 6 of Division 4 of the Probate Code, Article 1 (commencing with Section 3600) of Chapter 4 of Part 8 of Division 4 of the Probate Code.

(e) The uniform filing fee charged under this section shall be distributed as provided in Section 68085.3.

SEC. 14. Section 70653 of the Government Code is amended to read:

70653. (a) The uniform filing fee for a petition for appointment of a conservator, a guardian of the estate, or a guardian of the person and estate, pursuant to Division 4 (commencing with Section 1400) of the Probate Code, is three hundred ~~fifty-five dollars (\$355)~~ *sixty dollars (\$360)*.

(b) Except as provided in subdivision (f), the uniform filing fee for objections or any other paper in opposition to a petition under subdivision (a) or (d) is three hundred ~~fifty-five dollars (\$355)~~ *sixty dollars (\$360)*.

1 (c) If a competing petition for appointment of a guardian or
2 conservator subject to the fee under subdivision (a) is filed together
3 with opposition to the petition of another by the same person, the
4 person filing the competing petition and opposition shall be charged
5 a filing fee only for the competing petition.

6 (d) Notwithstanding Section 70658.5, if a petition for
7 appointment of a temporary guardian or conservator is filed
8 together with a petition for appointment of a guardian or
9 conservator under subdivision (a), or a competing petition under
10 subdivision (c) by the same person, the person filing the petitions
11 shall be charged the applicable filing fees for both petitions.

12 (e) The uniform filing fee charged under this section shall be
13 distributed as provided in Section 68085.3.

14 (f) No fee under this section shall be charged for objections or
15 any other paper in opposition filed by or on behalf of the proposed
16 conservatee, or the minor or a parent of the minor who is the
17 subject of a guardianship proceeding.

18 *SEC. 15. Section 70654 of the Government Code is amended*
19 *to read:*

20 70654. (a) The uniform filing fee for a petition for appointment
21 of a guardian of the person only, is two hundred ~~five dollars (\$205)~~
22 *ten dollars (\$210)*.

23 (b) Except as provided in subdivision (e), the uniform filing fee
24 for objections or any other paper in opposition to a petition under
25 subdivision (a) is two hundred ~~five dollars (\$205)~~ *ten dollars*
26 *(\$210)*.

27 (c) If a competing petition for appointment of a guardian subject
28 to the fee under subdivision (a) is filed together with opposition
29 to the petition of another by the same person, the person filing the
30 competing petition and opposition shall be charged a filing fee
31 only for the competing petition.

32 (d) Notwithstanding Section 70658.5, if a petition for
33 appointment of a temporary guardian is filed together with a
34 petition for appointment of a guardian under subdivision (a), or a
35 competing petition under subdivision (c) by the same person, the
36 person filing the petitions shall be charged the applicable filing
37 fees for both petitions.

38 (e) No fee under this section shall be charged for objections or
39 any other paper in opposition filed by or on behalf of the minor or
40 a parent of the minor who is the subject of the proceeding.

1 (f) The uniform filing fee charged under this section shall be
2 distributed as provided in Section 68085.4.

3 (g) No other fees shall be charged for filing a paper under this
4 section in addition to the uniform filing fee provided for in this
5 section.

6 *SEC. 16. Section 70655 of the Government Code is amended*
7 *to read:*

8 70655. (a) The uniform filing fee for a petition that commences
9 any of the proceedings under the Probate Code listed in subdivision
10 (c) is three hundred ~~thirty-five dollars (\$355)~~ *sixty dollars (\$360)*.

11 (b) The uniform filing fee for objections or any other paper filed
12 in opposition to a petition under subdivision (a) is three hundred
13 ~~thirty-five dollars (\$355)~~ *sixty dollars (\$360)*.

14 (c) This section applies to petitions or opposition concerning
15 the following proceedings:

16 (1) A petition for compromise of a minor's claim pursuant to
17 Section 3600 of the Probate Code.

18 (2) A petition to determine succession to real property pursuant
19 to Section 13151 of the Probate Code.

20 (3) A spousal or domestic partnership property petition pursuant
21 to Section 13650 of the Probate Code, except as provided in Section
22 13652 of the Probate Code.

23 (4) A petition to establish the fact of death to determine title to
24 real property under Section 200 of the Probate Code.

25 (5) A petition for an order concerning a particular transaction
26 pursuant to Section 3100 of the Probate Code.

27 (6) A petition concerning capacity determination and health
28 care decision for an adult without conservator pursuant to Section
29 3200 of the Probate Code.

30 (7) A petition concerning an advance health care directive
31 pursuant to Section 4766 of the Probate Code.

32 (8) A petition concerning a power of attorney pursuant to Section
33 4541 of the Probate Code.

34 (9) A petition for approval, compromise, or settlement of claims
35 against a deceased settlor, or for allocation of amounts due between
36 trusts, pursuant to Section 19020 of the Probate Code.

37 (10) Any other petition that commences a proceeding under the
38 Probate Code not otherwise provided for in this article.

39 (d) The uniform filing fee charged under this section shall be
40 distributed as provided in Section 68085.3.

1 *SEC. 17. Section 70656 of the Government Code is amended*
2 *to read:*

3 70656. (a) The uniform filing fee for a petition requesting an
4 order setting aside a decedent's estate of small value pursuant to
5 Section 6602 of the Probate Code, if no estate proceeding is
6 pending for the decedent, is two hundred ~~five dollars (\$205)~~ *ten*
7 *dollars (\$210).*

8 (b) The uniform filing fee for objections or any other paper filed
9 in opposition to a petition under subdivision (a) is two hundred
10 ~~five dollars (\$205)~~ *ten dollars (\$210).*

11 (c) If a petition or objections or any other paper in opposition
12 under this section is filed concurrently with a petition for
13 appointment of a personal representative described in Section
14 70650, the petitioner or objector shall be charged only for the filing
15 fee provided in Section 70650.

16 (d) The uniform filing fee charged under this section shall be
17 distributed as provided in Section 68085.4.

18 (e) Except as provided in subdivision (c), no other fee shall be
19 charged for filing a paper under this section in addition to the
20 uniform filing fee provided for in this section.

21 *SEC. 18. Section 70658 of the Government Code is amended*
22 *to read:*

23 70658. (a) Except as provided in subdivision (c), the uniform
24 fee for filing a petition or application, or objections or any other
25 paper in opposition to a petition or application listed in this
26 subdivision, filed after issuance of letters testamentary, letters of
27 administration, letters of special administration to a personal
28 representative of a decedent's estate, or letters of guardianship or
29 conservatorship, or letters of temporary guardianship or
30 conservatorship to a guardian or conservator, is three hundred
31 ~~fifty-five dollars (\$355)~~ *sixty dollars (\$360).* This section shall
32 apply to the following petitions or applications, or opposition:

33 (1) Petition or application for or opposition to an order directing,
34 authorizing, approving, or confirming the sale, lease, encumbrance,
35 grant of an option, purchase, conveyance, or exchange of property.

36 (2) Petition or application for or opposition to an order settling
37 an account of a fiduciary.

38 (3) Petition or application for or opposition to an order
39 authorizing, instructing, or directing a fiduciary, or approving or
40 confirming the acts of a fiduciary.

1 (4) Petition or application for or opposition to an order fixing,
2 authorizing, allowing, or directing payment of compensation or
3 expenses of an attorney.

4 (5) Petition or application for or opposition to an order fixing,
5 authorizing, allowing, or directing payment of compensation or
6 expenses of a fiduciary.

7 (6) Petition or application for or opposition to an order
8 surcharging or removing a fiduciary.

9 (7) Petition or application for or opposition to an order
10 transferring or authorizing the transfer of the property of an estate
11 to a fiduciary in another jurisdiction.

12 (8) Petition or application for or opposition to an order allowing
13 a fiduciary's request to resign.

14 (9) Petition or application for or opposition to an order
15 adjudicating the merits of a claim made under Part 19 (commencing
16 with Section 850) of Division 2 of the Probate Code.

17 (10) Petition or application for or opposition to an order granting
18 permission to fix the residence of a ward or conservatee at a place
19 not within this state.

20 (11) Petition or application for or opposition to an order
21 directing, authorizing, approving, or modifying payments for
22 support, maintenance, or education of a ward or conservatee or
23 for a person entitled to support, maintenance, or education from a
24 ward or conservatee.

25 (12) Petition or application for or opposition to an order granting
26 or denying a request under Section 2423, concerning payment of
27 surplus income to the relatives of a conservatee, or Section 2580,
28 concerning substituted judgment, of the Probate Code.

29 (13) Petition or application for or opposition to an order affecting
30 the legal capacity of a conservatee pursuant to Chapter 4
31 (commencing with Section 1870) of Part 3 of Division 4 of the
32 Probate Code.

33 (14) Petition or application for or opposition to an order
34 adjudicating the merits of a claim under Article 5 (commencing
35 with Section 2500) of Chapter 6 of Part 4 of Division 4 of the
36 Probate Code.

37 (b) The uniform fee in subdivision (a) shall be distributed as
38 provided in Section 68085.3. No other fee shall be charged for
39 filing a paper under this section in addition to the uniform filing
40 fee provided for in this section.

(c) The fee provided in this section shall not be charged for filing any of the following papers:

(1) A petition or application, or opposition, in a guardianship proceeding under Section 70654.

(2) A disclaimer of an interest in a decedent's estate.

(d) One hundred seventy dollars (\$170) of each ~~three hundred fifty-five dollar (\$355)~~ *three-hundred-sixty-dollar (\$360)* fee collected under this section shall be transmitted to the Controller for deposit into the Immediate and Critical Needs Account of the State Court Facilities Construction Fund, established in Section 70371.5.

SEC. 19. Section 70670 of the Government Code is amended to read:

70670. (a) The uniform fee for filing the first paper in a proceeding under the Family Code, other than a proceeding for dissolution of marriage or domestic partnership, legal separation, or nullity, is ~~three hundred fifty-five dollars (\$355)~~ *sixty dollars (\$360)*. The fee shall be distributed as provided in Section 68085.3.

(b) The uniform fee for filing the first paper in a proceeding for dissolution of marriage or domestic partnership, legal separation, or nullity, is ~~three hundred fifty-five dollars (\$355)~~ *sixty dollars (\$360)*. The fee shall be distributed as provided in Section 68085.3, except that two dollars (\$2) of the funds that would otherwise be distributed to the Trial Court Trust Fund shall be transmitted to the Treasurer for deposit in the Health Statistics Special Fund.

(c) The uniform fee for filing the first paper in a proceeding under subdivision (a) on behalf of any respondent, defendant, intervenor, or adverse party, whether separately or jointly, is ~~three hundred fifty-five dollars (\$355)~~ *sixty dollars (\$360)*. The fee shall be distributed as provided in Section 68085.3.

(d) The uniform fee for filing the first paper in a proceeding under subdivision (b) on behalf of any respondent, defendant, intervenor, or adverse party, whether separately or jointly, is ~~three hundred fifty-five dollars (\$355)~~ *sixty dollars (\$360)*. The fee shall be distributed as provided in Section 68085.3.

(e) The fees in this section do not apply to papers filed for the purpose of making a disclaimer.

SEC. 20. Section 103470 of the Health and Safety Code is amended to read:

1 103470. The fee for filing the petition is two hundred ~~five~~
2 ~~dollars (\$205)~~ *ten dollars (\$210)*. This fee shall be distributed as
3 provided in Section 68085.4 of the Government Code. The petition
4 may be heard by any judge hearing probate matters, or if a probate
5 department has been designated for hearing probate matters, the
6 matter shall be assigned to the probate department for hearing.

7 *SEC. 21. Section 7660 of the Probate Code is amended to read:*

8 7660. (a) If a public administrator takes possession or control
9 of an estate pursuant to this chapter, the public administrator may,
10 acting as personal representative of the estate, summarily dispose
11 of the estate in the manner provided in this article in either of the
12 following circumstances:

13 (1) The total value of the property in the decedent's estate does
14 not exceed the amount prescribed in Section 13100. The authority
15 provided by this paragraph may be exercised only upon order of
16 the court. The order may be made upon ex parte application. The
17 fee to be allowed to the clerk for the filing of the application is
18 two hundred ~~five dollars (\$205)~~ *ten dollars (\$210)*. The authority
19 for this summary administration of the estate shall be evidenced
20 by a court order for summary disposition.

21 (2) The total value of the property in the decedent's estate does
22 not exceed thirty thousand dollars (\$30,000). The authority
23 provided by this paragraph may be exercised without court
24 authorization.

25 (A) A public administrator who is authorized to summarily
26 dispose of property of a decedent pursuant to this paragraph may
27 issue a written certification of Authority for Summary
28 Administration. The written certification is effective for 30 days
29 after the date of issuance.

30 (B) A financial institution, government or private agency,
31 retirement fund administrator, insurance company, licensed
32 securities dealer, or other person shall, without the necessity of
33 inquiring into the truth of the written certification of Authority for
34 Summary Administration and without court order or letters being
35 issued do all of the following:

36 (i) Provide the public administrator complete information
37 concerning any property held in the name of the decedent,
38 including the names and addresses of any beneficiaries or joint
39 owners.

(ii) Grant the public administrator access to a safe-deposit box or storage facility rented in the name of the decedent for the purpose of inspection and removal of property of the decedent. Costs and expenses incurred in accessing a safe-deposit box or storage facility shall be borne by the estate of the decedent.

(iii) Surrender to the public administrator any property of the decedent that is held or controlled by the financial institution, agency, retirement fund administrator, insurance company, licensed securities dealer, or other person.

(C) Receipt by a financial institution, government or private agency, retirement fund administrator, insurance company, licensed securities dealer, or other person of the written certification provided by this article shall do both of the following:

(i) Constitute sufficient acquittance for providing information or granting access to a safe-deposit box or a storage facility and for surrendering any property of the decedent.

(ii) Fully discharge the financial institution, government or private agency, retirement fund administrator, insurance company, licensed securities dealer, or other person from liability for any act or omission of the public administrator with respect to the property, a safe-deposit box, or a storage facility.

(b) Summary disposition may be made notwithstanding the existence of the decedent's will, if the will does not name an executor or if the named executor refuses to act.

(c) Nothing in this article precludes the public administrator from filing a petition with the court under any other provision of this code concerning the administration of the decedent's estate.

(d) Petitions filed pursuant to this article shall contain the information required by Section 8002.

(e) If a public administrator takes possession or control of an estate pursuant to this chapter, this article conveys the authority of a personal representative as described in Section 9650 to the public administrator to summarily dispose of the estates pursuant to the procedures described in paragraphs (1) and (2) of subdivision (a).

(f) The fee charged under paragraph (1) of subdivision (a) shall be distributed as provided in Section 68085.4 of the Government Code. When an application is filed under that paragraph, no other fees shall be charged in addition to the uniform filing fee provided for in Section 68085.4 of the Government Code.

1 ~~SECTION 1. Section 470.5 of the Business and Professions~~
2 ~~Code is amended to read:~~

3 ~~470.5. (a) On and after January 1, 2006, as described in Section~~
4 ~~68085.1 of the Government Code, the Administrative Office of~~
5 ~~the Courts shall make monthly distributions from superior court~~
6 ~~filing fees for the support of dispute resolution programs under~~
7 ~~this chapter in each county that has acted to establish a program.~~
8 ~~The amount distributed in each county shall be equal to the~~
9 ~~following:~~

10 ~~(1) From each first paper filing fee collected by the court as~~
11 ~~provided under Section 70611 or 70612, subdivision (a) of Section~~
12 ~~70613, subdivision (a) of Section 70614, or Section 70670 of the~~
13 ~~Government Code, and each first paper or petition filing fee~~
14 ~~collected by the court in a probate matter as provided under Section~~
15 ~~70650, 70651, 70652, 70653, or 70655 of the Government Code,~~
16 ~~the same amount as was required to be collected for the support~~
17 ~~of dispute resolution programs in that county as of December 31,~~
18 ~~2005, when a fee was collected for the filing of a first paper in a~~
19 ~~civil action under Section 26820.4 of the Government Code.~~

20 ~~(2) From each first paper filing fee in a limited civil case~~
21 ~~collected by the court as provided under subdivision (b) of Section~~
22 ~~70613 or subdivision (b) of Section 70614 of the Government~~
23 ~~Code, and each first paper or petition filing fee collected by the~~
24 ~~court in a probate matter as provided under Section 70654, 70656,~~
25 ~~or 70658 of the Government Code, the same amount as was~~
26 ~~required to be collected for the support of dispute resolution~~
27 ~~programs in that county as of December 31, 2005, when a fee was~~
28 ~~collected for the filing of a first paper in a civil action under Section~~
29 ~~72055 of the Government Code where the amount demanded,~~
30 ~~excluding attorney's fees and costs, was ten thousand dollars~~
31 ~~(\$10,000) or less.~~

32 ~~(b) Distributions under this section shall be used only for the~~
33 ~~support of dispute resolution programs authorized by this chapter.~~
34 ~~The county shall deposit the amounts distributed under this section~~
35 ~~in an account created and maintained for this purpose by the~~
36 ~~county. Records of these distributions shall be available for~~
37 ~~inspection by the public upon request.~~

38 ~~(c) After January 1, 2006, a county that does not already have~~
39 ~~a distribution from superior court filing fees under this section and~~
40 ~~that establishes a dispute resolution program authorized by this~~

chapter may approve a distribution under this section. A county that already has a distribution under this section may change the amount of the distribution. Until January 1, 2012, the total amount to be distributed for the support of dispute resolution programs under this section may not exceed eight dollars (\$8) per filing fee. On and after January 1, 2012, the total amount to be distributed for the support of dispute resolution programs under this section may not exceed thirteen dollars (\$13) per filing fee.

(d) The county may make changes under subdivision (c) to be effective January 1 or July 1 of any year, on and after January 1, 2006. The county shall provide the Administrative Office of the Courts with a copy of the action of the board of supervisors that establishes the change at least 15 days before the date that the change goes into effect.